HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25822 of 2005

Between:

The A.P. Pollution Control Board, Paryavaran Bhavan,
Opp. Police Station, Sanath Nagar, Hyderabad.

..... PETITIONER

AND

M/s. Sree Rayalaseema Industries Ltd., S.No. 143/A, Ashwanthpuram Village, Kallur Mandal, Kurnool District, rep. by its managing Director, Sri K. Madhusudhan.

.....RESPONDENT

::ORDER::

Counsel for the Petitioner :Mr.S.V.Bhatt

Counsel for the Respondent :Mr. Srinivas Mantha

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7th December, 2005

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(per G.S. Singhvi,CJ)

Heard the learned counsel for the parties.

This writ petition is directed against order dated 18.10.2005 passed by the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'the Water Act') and Air (Prevention and Control of Pollution) Act,1981, (hereinafter referred to as 'the Air Act') whereby, the said Authority suspended operation of order dated 6.10.2005 passed by the competent authority of Andhra Pradesh Pollution Control Board, Hyderabad (petitioner) for a period of two months subject to the condition that the appellant (respondent No.1) herein, shall remove objections pointed out in inspection report dated 10.10.2005.

We have heard the learned counsel for the parties at some length and perused the record including order dated 6.10.2005 passed by the Board directing the closure of industry by invoking the provisions of Section 33(A) of Water Act and 31(A) of Air Act. At this stage, it is neither just nor proper for us to express any opinion on the merits or demerits of the order dated 6.10.2005 passed by the Board, because the same is subject matter of adjudication before the Appellate Authority. But, at the same time, we are convinced that the reasons assigned by the Appellate Authority for temporarily suspending the operation of the closure order do not suffer from any patent legal infirmity warranting exercise of certiorari jurisdiction of this court under Article 226 of the Constitution of India.

A reading of the order under challenge shows that the operation undertaken by Respondent No.1 has not resulted in grave violation of the pollution norms prescribed under the Act. All the deficiencies to which reference has been made in paragraph-7 of the Board's order are not of serious nature. Therefore, we do not find any valid ground to entertain the petitioner's challenge to the order passed by the Appellate Authority, more so, because, the tenure of that order is going to end on 18th December, 2005. That apart, we find that the impugned order has not resulted in manifest injustice warranting interference by this court.

For the reasons stated above, the writ petition is dismissed. However, it is made clear that dismissal of this writ petition shall not prevent the Board from raising all legally permissible objections against the appeal filed by Respondent No.1 qua order dated 6.10.2005.

G.S. SINGHVI, CJ

Date: 7th December, 2005

R. SUBHASH REDDY,J

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